

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**APRIL 17, 2000**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, April 17, 2000, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

James Braun  
Randal Giannetto  
Darrell Hanson  
Kathryn Murphy  
Gary Priebe  
Terrance Townsend, Chair  
Rita Venner

### MEMBERS ABSENT

Elizabeth Christiansen  
Rozanne King, Secretary

Chairman Townsend stated that Elizabeth Christiansen reported she would not be able to attend the meeting due to a schedule conflict. Also, Rozanne King phoned to say she had a business conflict.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Counsel for Iowa Select Farms Referral - 1:00 p.m.
- Add: Appointment - Counsel for Indian Creek Corp Referral - 1:30 p.m.
- Add: Proposed Rule-Ch. 40, 41, 42, 43, 81, 83 Water Supply, Operator Certification and Environmental Laboratory Certification
- Delete: Item # 7f – Iowa Mold Tooling Co. Referral

Chairman Townsend noted that the Proposed Rule on Water Supply would become Item #15, and Items 15, 16 & 17 would be renumbered to Items. 16, 17 & 18.

*Motion was made by Rita Venner to approve the agenda as amended. Seconded by James Braun. Motion carried unanimously.*

APPROVED AS AMENDED

**APPROVAL OF MINUTES**

*Motion was made by Rita Venner to approve the meeting minutes of March 20, 2000 as presented. Seconded by Gary Priebe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REPORT**

Paul Johnson, Director, reported that Roya Stanley has taken a new job in Colorado, and he has asked Liz Christiansen to replace Roya as Administrator of the Waste Management Assistance Division, adding that Liz has accepted that position. He related that he has asked, for administrative purposes, that the Land Quality Bureau be moved into WMA Division. He noted that they have a lot of issues in common and it will spread out administrative efforts more equally. Director Johnson pointed out that he is not asking for legal changes now, as he would like to try and see how it works. He related that he has asked Jim Brown to lead a task force in an effort within the Department to review how it is structured and to seek ideas from employees on what is working or not working well.

Director Johnson distributed copies of the Department's new publication entitled "Iowa – Portrait of the Land." He noted that it will be released to the public on Friday at a State employee picnic at the Historical Building. He related that the Department is now looking at putting together a major effort to get Iowans to look at a ten year conservation plan.

Director Johnson reported that the waters initiative has been agreed to by the legislature and the Governor and it is similar to what the Department proposed, adding that we have a very ambitious program ahead. He pointed out a list showing the appropriations that were agreed upon for the program. He related that the Department of Agriculture announced a new set of incentives for a buffer initiative which fits perfectly with the waters initiative. Director Johnson reported that our appropriations were recently passed in the House and the Department maintained the status quo, adding that it still remains to go through the Senate.

**QUARTERLY FINANCIAL STATUS REPORT**

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the operations financial status report by division as of 2/29/00. All Divisions are over their General Fund budgets with the exception of the Environmental Protection Division. The Fish and Wildlife Division is within its appropriated budget.

The budget contained in this projection includes the Governor's general fund budget reductions totaling \$192,845. By Division the amounts are as follows: Administration \$15,938, Parks \$61,592, Forestry \$22,746, Energy/Geology \$27,059, and Environment \$65,510.

Part of the reason for the budget overages shown represent the fact that the budget cuts listed were not identified until December giving us only the remaining 4 months to effect the reductions. In addition, \$150,000 in unbudgeted Park Rangers retirement payouts have been made through December. These payouts were to be addressed through the supplemental appropriation request originating from the Department of Management. The Department of Management decided not to include these costs in the supplemental.

We will continue to closely monitor budget and expenditure developments during the upcoming quarter.

**Iowa Department Of Natural Resources  
Financial Status Report**

<b>TOTAL DEPARTMENT THROUGH FEBRUARY 29, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$17,068,223	\$11,147,617	\$11,607,243	(\$459,626)
Federal	\$13,086,089	\$8,556,289	\$6,297,259	\$2,259,030
Administration Fund	\$395,000	\$258,269	\$258,269	\$0
Conservation Fund	\$4,381,311	\$2,864,703	\$2,864,704	(\$1)
Other Funds	\$12,373,967	\$8,090,671	\$6,007,192	\$2,083,479
Groundwater Fund	\$3,376,941	\$2,208,000	\$1,988,536	\$219,464
Fish and Wildlife Trust Fund	\$24,236,883	\$15,847,193	\$15,449,959	\$397,233
<b>TOTAL RESOURCES</b>	<b>\$74,918,414</b>	<b>\$48,972,742</b>	<b>\$44,473,162</b>	<b>\$4,499,579</b>
<b>EXPENDITURES</b>				
Personnel	\$45,055,388	\$29,459,292	\$27,396,360	\$2,062,932
Extra Help	\$2,960,506	\$1,923,340	\$1,918,452	\$4,888
Support	\$14,597,701	\$9,544,651	\$10,003,448	(\$458,797)
Contracts	\$9,600,600	\$6,277,315	\$3,428,701	\$2,848,614
Equipment	\$2,704,219	\$1,768,143	\$1,726,202	\$41,941
<b>TOTAL EXPENDITURES</b>	<b>\$74,918,414</b>	<b>\$48,972,742</b>	<b>\$44,473,163</b>	<b>\$4,499,579</b>
<b>ADMINISTRATIVE SERVICES THROUGH FEBRUARY 29, 2000</b>				
	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$1,545,041	\$1,010,219	\$1,118,433	(\$108,214)
Federal	\$623,694	\$407,800	\$359,185	\$48,615
Fish and Wildlife	\$2,007,449	\$1,312,563	\$1,312,563	(\$0)
Groundwater Fund	\$184,453	\$120,604	\$119,826	\$778
REAP	\$749,357	\$489,964	\$356,033	\$133,931
Marine Fuel Tax	\$85,592	\$55,964	\$119,401	(\$63,437)
Infrastructure	\$223,594	\$146,196	\$125,316	\$20,880
Other	\$433,012	\$283,123	\$274,508	\$8,615
<b>TOTAL RESOURCES</b>	<b>\$5,852,192</b>	<b>\$3,826,433</b>	<b>\$3,785,265</b>	<b>\$41,168</b>
<b>EXPENDITURES</b>				

Personnel	\$4,269,262	\$2,791,441	\$2,621,892	\$169,549
Extra Help	\$120,100	\$78,527	\$78,750	(\$223)
Support	\$1,225,930	\$801,570	\$906,874	(\$105,305)
Contracts	\$25,000	\$16,346	\$44,236	(\$27,890)
Equipment	\$211,900	\$138,550	\$133,513	\$5,037
<b>TOTAL EXPENDITURES</b>	<b>\$5,852,192</b>	<b>\$3,826,433</b>	<b>\$3,785,265</b>	<b>\$41,168</b>
<b>DIRECTOR'S OFFICE THROUGH FEBRUARY 29, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$595,417	\$389,311	\$405,364	(\$16,053)
Federal	\$491,856	\$321,598	\$276,889	\$ 44,709
Fish and Wildlife	\$367,460	\$240,262	\$248,036	(\$7,774)
Administration Fund	\$395,000	\$258,269	\$258,269	\$0
Groundwater Fund	\$95,208	\$62,251	\$78,221	(\$15,970)
Other	\$204,236	\$133,539	\$155,888	(\$22,349)
<b>TOTAL RESOURCES</b>	<b>\$2,149,177</b>	<b>\$1,405,231</b>	<b>\$1,422,667</b>	<b>(\$17,436)</b>
<b>EXPENDITURES</b>				
Personnel	\$1,229,252	\$803,742	\$778,059	\$25,683
Extra Help	\$68,245	\$44,622	\$54,636	(\$10,014)
Support	\$805,680	\$526,791	\$565,182	(\$38,391)
Contracts	\$0	\$0	\$0	\$0
Equipment	\$46,000	\$30,077	\$24,790	\$5,287
<b>TOTAL EXPENDITURES</b>	<b>\$2,149,177</b>	<b>\$1,405,231</b>	<b>\$1,422,667</b>	<b>(\$17,436)</b>
<b>ENERGY AND GEOLOGY THROUGH FEBRUARY 29, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$1,938,550	\$1,267,513	\$1,286,895	(\$19,382)
Federal	\$2,788,646	\$1,823,345	\$954,394	\$868,951
Oil Overcharge	\$297,121	\$194,271	\$130,150	\$64,121
Bonding Programs	\$141,982	\$92,834	\$76,084	\$16,750
Groundwater Fund	\$199,582	\$130,496	\$128,176	\$2,320
Other	\$105,093	\$68,715	\$56,570	\$12,145
<b>TOTAL RESOURCES</b>	<b>\$5,470,974</b>	<b>\$3,577,175</b>	<b>\$2,632,269</b>	<b>\$944,906</b>
<b>EXPENDITURES</b>				
Personnel	\$3,114,454	\$2,036,374	\$1,766,219	\$270,155
Extra Help	\$37,000	\$24,192	\$26,085	(\$1,893)
Support	\$467,653	\$305,773	\$359,901	(\$54,128)
Contracts	\$1,718,450	\$1,123,602	\$400,598	\$723,004
Equipment	\$133,417	\$87,234	\$79,466	\$7,768
<b>TOTAL EXPENDITURES</b>	<b>\$5,470,974</b>	<b>\$3,577,175</b>	<b>\$2,632,269</b>	<b>\$944,906</b>
<b>ENVIRONMENTAL PROTECTION THROUGH FEBRUARY 29, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$4,989,784	\$3,262,551	\$3,227,153	\$35,398
Federal	\$8,512,544	\$5,565,894	\$4,334,637	\$1,231,257
Air Contaminant Fees	\$6,405,219	\$4,188,028	\$2,714,618	\$1,473,410
Groundwater Fund	\$1,321,974	\$864,368	\$763,256	\$101,112



Hazardous Waste Remedial Fund	\$311,296	\$203,540	\$244,324	(\$40,784)
Water Protection Fund	\$1,197,382	\$782,904	\$498,035	\$284,869
Operator Certification Fees	\$80,997	\$52,960	\$36,392	\$16,568
LUST Insurance Fund	\$75,000	\$49,038	\$75,000	(\$25,962)
Land Recycling Fund	\$120,000	\$78,462	\$51,203	\$27,259
Manure Certification Program	\$50,000	\$32,692	\$56,206	(\$23,514)
Stormwater Permit Fees	\$492,265	\$321,866	\$182,865	\$139,001
Well Contractor Fees	\$69,207	\$45,251	\$102,130	(\$56,879)
Groundwater Professional Regis.	\$45,998	\$30,076	\$26,659	\$3,417
Water Supply Lab. Cert. Fees	\$156,060	\$102,039	\$78,030	\$24,009
Other	\$22,609	\$14,783	\$33,524	(\$18,741)
<b>TOTAL RESOURCES</b>	<b>\$23,850,335</b>	<b>\$15,594,450</b>	<b>\$12,424,032</b>	<b>\$3,170,418</b>
<b>EXPENDITURES</b>				
Personnel	\$13,181,343	\$8,618,570	\$7,908,199	\$710,371
Extra Help	\$0	\$0	\$0	\$0
Support	\$2,972,765	\$1,943,731	\$1,476,295	\$467,436
Contracts	\$6,709,395	\$4,386,912	\$2,482,519	\$1,904,393
Equipment	\$986,832	\$645,236	\$557,019	\$88,217
<b>TOTAL EXPENDITURES</b>	<b>\$23,850,335</b>	<b>\$15,594,450</b>	<b>\$12,424,032</b>	<b>\$3,170,418</b>
<b>FISH AND WILDLIFE THROUGH FEBRUARY 29, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
Fish and Wildlife Trust Fund	\$21,861,974	\$14,294,368	\$13,889,360	\$405,007
Corps Condition 5 Funds	\$297,790	\$194,709	\$188,910	\$5,799
<b>TOTAL RESOURCES</b>	<b>\$22,159,764</b>	<b>\$14,489,076</b>	<b>\$14,078,270</b>	<b>\$410,806</b>
<b>EXPENDITURES</b>				
Personnel	\$14,889,445	\$9,735,406	\$9,291,476	\$443,930
Extra Help	\$880,633	\$575,799	\$542,138	\$33,661
Support	\$5,091,524	\$3,329,073	\$3,544,918	(\$215,845)
Contracts	\$461,667	\$301,859	\$186,362	\$115,497
Equipment	\$836,495	\$546,939	\$513,376	\$33,563
<b>TOTAL EXPENDITURES</b>	<b>\$22,159,764</b>	<b>\$14,489,076</b>	<b>\$14,078,270</b>	<b>\$410,806</b>
<b>FORESTRY THROUGH FEBRUARY 29, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$1,742,027	\$1,139,018	\$1,221,038	(\$82,020)
Federal	\$460,000	\$300,769	\$300,769	\$0
Forestry Enhancement Fund	\$251,690	\$164,567	\$106,705	\$57,862
Forestry Receipts	\$932,000	\$609,385	\$609,385	(\$0)
Other	\$68,700	\$44,919	\$35,757	\$9,162
<b>TOTAL RESOURCES</b>	<b>\$3,454,417</b>	<b>\$2,258,657</b>	<b>\$2,273,654</b>	<b>(\$14,997)</b>
<b>EXPENDITURES</b>				
Personnel	\$2,319,987	\$1,516,915	\$1,366,626	\$150,289
Extra Help	\$130,351	\$85,230	\$113,390	(\$28,161)
Support	\$839,696	\$549,032	\$729,331	(\$180,299)
Contracts	\$46,000	\$30,077	\$1,335	\$28,742
Equipment	\$118,383	\$77,404	\$62,972	\$14,432
<b>TOTAL EXPENDITURES</b>	<b>\$3,454,417</b>	<b>\$2,258,657</b>	<b>\$2,273,654</b>	<b>(\$14,997)</b>

<b>PARKS PRESERVES AND RECREATION THROUGH FEBRUARY 29, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$6,257,404	\$4,079,005	\$4,348,360	(\$269,355)
Federal	\$50,000	\$32,692	\$37,000	(\$4,308)
Park Receipts	\$3,449,311	\$2,255,319	\$2,255,319	(\$0)
Infrastructure	\$69,191	\$45,240	\$52,991	(\$7,751)
Other	\$303,039	\$198,141	\$176,188	\$21,953
<b>TOTAL RESOURCES</b>	<b>\$10,128,945</b>	<b>\$6,610,397</b>	<b>\$6,869,858</b>	<b>(\$259,461)</b>
<b>EXPENDITURES</b>				
Personnel	\$5,162,471	\$3,375,462	\$3,155,903	\$219,559
Extra Help	\$1,579,202	\$1,020,180	\$1,020,180	\$0
Support	\$2,894,565	\$1,892,600	\$2,236,361	(\$343,761)
Contracts	\$131,265	\$85,827	\$109,288	(\$23,461)
Equipment	\$361,442	\$236,327	\$348,126	(\$111,799)
<b>TOTAL EXPENDITURES</b>	<b>\$10,128,945</b>	<b>\$6,610,397</b>	<b>\$6,869,858</b>	<b>(\$259,461)</b>
<b>WASTE MANAGEMENT THROUGH FEBRUARY 29, 2000</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU FEBRUARY</b>	<b>FY 00 ACTUAL THRU FEBRUARY</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
Groundwater Fund	\$1,575,724	\$1,030,281	\$899,057	\$131,224
Federal	\$159,349	\$104,190	\$34,385	\$69,805
Waste Volume Reduction Fund	\$61,188	\$40,008	\$20,869	\$19,139
Waste Tire Program	\$56,349	\$36,844	\$32,836	\$4,008
<b>TOTAL RESOURCES</b>	<b>\$1,852,610</b>	<b>\$1,211,322</b>	<b>\$987,147</b>	<b>\$224,175</b>
<b>EXPENDITURES</b>				
Personnel	\$889,174	\$581,383	\$507,986	\$73,397
Extra Help	\$144,975	\$94,791	\$83,273	\$11,518
Support	\$348,388	\$227,792	\$197,616	\$30,176
Contracts	\$460,323	\$300,980	\$191,332	\$109,648
Equipment	\$9,750	\$6,375	\$6,940	(\$565)
<b>TOTAL EXPENDITURES</b>	<b>\$1,852,610</b>	<b>\$1,211,322</b>	<b>\$987,147</b>	<b>\$224,175</b>

Ms. Hanson discussed the finances for each Division through February 2000 and related she will bring additional information next month because the status report for March will be critical. She related that this report reflects two major items as it relates to the General Fund budget, and one reflects the reduction from our General Fund monies. The other was an unbudgeted \$150,000 for Park Ranger retirement payouts. She expanded on the financial status for the Department.

<b>INFORMATIONAL ONLY</b>
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## **RULES REVISION DISCUSSION – CHAPTER 1, OPERATION OF ENVIRONMENTAL PROTECTION COMMISSION**

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item

Governor Vilsack, through an Executive Order, asked the executive branch agencies to review their rules and change those where redundancies, lack of clarity or necessity or other factors cause administrative rules to be unnecessarily difficult to read, understand or comply.

Director Johnson has whole-heartedly endorsed this effort and has committed department resources to undertake this daunting task.

This thorough review will not merely be conducted by employees in the department, but is extended to all interested public members — our customers, stakeholders, colleagues. This will be a collaborative effort.

The rules (567 IAC 1) that govern the Commission and its meeting procedures are, of course, subject to this review. By this agenda item, the department is seeking your input and suggestions for changes to these rules. Please forward your suggestions to Linda Hanson at DNR, Wallace Building, 502 E. 9th Street, Des Moines, IA 50319-0034 by April 30, 2000. These suggestions will be shared with the commission at the May Commission meeting.

(A copy of the rule is on file in the Department's Records Center)

Ms. Hanson explained that all executive branch departments are revising all Administrative Rules and the process is scheduled to take two years to complete. She noted that staff has used the ICN to gather public comments. She asked the Commission to review Chapter 1, which governs the Commission, and forward their comments to her.

<b>INFORMATIONAL ONLY</b>
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## MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

### RULEMAKING STATUS REPORT

April 1, 2000

Proposal	Notice Comm	to Notice Publish	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary Comm	to Adopted	Rules Publish	ARC #	Rules Review Comm	Rule Effective
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1. Ch. 22 – Revised Cap Title V Permits	11/15/99	12/15/99	9536A	1/04/00	1/14/00	1/14/00	2/21/00	2/21/00	3/22/00	9745A	4/07/00	*4/26/00
2. Ch. 22 – 25 – Air Quality Program Rules	*5/15/00	*6/14/00		*7/05/00			*8/21/00	*8/21/00	*9/20/00		*10/03/00	*10/25/00
3. Ch. 23 – Adoption by Reference – NESHAPS	11/15/99	12/15/99	9535A	1/04/99	1/14/00	1/14/00	2/21/00	2/21/00	3/22/00	9744A	*4/07/00	*4/26/00
4. Ch. 60, 62, 63 – Monitoring, Reporting and Analytical Requirements	10/18/99	11/17/99	9478A	12/14/99	12/10/99	12-20-99	*5/15/00	*5/15/00	*6/14/00		*7/05/00	*7/19/00
5. Ch. 61 – WQ Standards	4/17/00	*5/17/00		*6/05/00			*7/17/00	*7/17/00	*8/09/00			

## VARIANCE REPORT

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	ALCOA-Bettendorf	Air Quality		Permit Requirements	Approved	03/09/00
2	Alliant Energy Corporation-Ottumwa Generating Station	Air Quality		Fuel Test	Approved	03/21/00
3	Equistar Chemicals-Clinton	Air Quality		Permit Requirements	Approved	03/21/00
4	John Deere Engine Works-Waterloo	Air Quality		Permit Requirements	Approved	03/14/00
5	Midwest Carbide Corporation-Keokuk	Air Quality		Permit Requirements	Approved	03/09/00
6	NSK Corporation-Clarinda	Air Quality		Permit Requirements	Approved	03/15/00
7	Douds/Leando, City of (Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Manhole Material	Approved	03/08/00
8	Douds/Leando, City of (Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Valve Pit	Approved	03/10/00
9	Douds/Leando, City of (Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Directional Boring, Sewer Slope	Approved	03/10/00
10	Douds/Leando, City of (Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Inter-Cell Control Structures	Approved	03/10/00
11	Douds/Leando, City of (Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Pond Influent Piping	Approved	03/10/00
12	Douds/Leando, City of (Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Manhole Spacing	Approved	03/10/00
13	Douds/Leando, City of (Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Number of Lagoon Cells	Approved	03/10/00
14	Schleswig, City of	Wastewater Construction	Veenstra & Kimm, Inc.	Curtain Wall	Approved	03/27/00
15	C&D Landfill-Carter Lake	Solid Waste	Barker, Lemar & Associates	Permit Exemptions	Approved	03/20/00

16	Jendro Sanitation Services Transfer Station-Floyd County	Solid Waste	Turkle-Clark Environmental Consultants	Storage	Approved	03/24/00
17	Dubuque, City of	Watersupply Construction	Robert Green, Water Dept. Mgr.	Water Monitoring	Denied	03/09/00
18	Winnebago Scout Reservation-Marble Rock	Watersupply Construction	WHKS & Co.	Design Basis	Approved	03/21/00
19	IBP, Inc.-Perry	Watersupply Operation	IBP, Inc.- Dakota Dunes,	System Operation	Approved	03/06/00
20	Jeff Wood-Fort Dodge, City of	Watersupply Operation	Fort Doge Water Plant	System Operation	Approved	03/09/00

**EMERGENCY RESPONSE REPORT**

During the period March 1, 2000, through March 31, 2000, 74 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other
October	62 (50)	6 (7)	48 (25)	5 (14)	32 (24)	23 (18)	1 (2)	2 (0)	0 (0)	4 (6)
November	63 (56)	10 (7)	37 (35)	15 (7)	25 (25)	30 (28)	1 (2)	3 (0)	1 (0)	3 (1)
December	66 (35)	10 (4)	39 (20)	17 (7)	23 (12)	33 (18)	1 (2)	4 (0)	0 (0)	5 (3)
January	42 (39)	4 (0)	29 (18)	9 (8)	13 (7)	25 (30)	1 (0)	0 (0)	0 (0)	3 (2)
February	63 (54)	2 (3)	31 (28)	30 (9)	14 (22)	46 (29)	0 (1)	0 (0)	1 (0)	2 (2)
March	74 (56)	10 (10)	55 (33)	9 (5)	33 (24)	33 (24)	2 (1)	0 (0)	0 (0)	6 (7)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>370 (290)</b>	<b>42 (31)</b>	<b>239 (159)</b>	<b>85 (50)</b>	<b>140 (114)</b>	<b>190 (147)</b>	<b>6 (8)</b>	<b>9 (0)</b>	<b>2 (0)</b>	<b>23 (21)</b>

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
13	7	10	10	22	12

**MANURE RELEASES REPORT**

During the period March 1, 2000, through March 31, 2000, 0 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	6 (0)	0 (0)	3 (0)	2 (0)	1 (0)	6 (0)	0 (0)	0 (0)	0 (0)	2 (0)
November	4 (0)	0 (0)	2 (0)	1 (0)	1 (0)	3 (0)	1 (0)	0 (0)	0 (0)	0 (0)
December	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

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April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	13 (0)	0 (0)	6 (0)	4 (0)	0 (0)	10 (0)	2 (0)	0 (0)	0 (0)	2 (0)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	0	0	0

## ENFORCEMENT STATUS REPORT

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Sinclair Oil Corporation, Ft. Madison (6)	Air Quality	Construction Without Permit	Order/Penalty \$1,500	3/06/00
Ainsworth, City of	Wastewater	Discharge Limits; Bypass Reporting	Order/Penalty \$1,000	3/06/00
Dennis Plain and Brenda Plain d/b/a Plain Salvage, Inc., Sac County (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	3/06/00
Larry Maasdam and Kim Ahrends, Wright Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty \$4,000	3/06/00
Enviro Safe Air, Inc., Sioux City (3)	Air Quality	Asbestos	Consent Amendment	3/06/00
Williamsburg Manufacturing, Williamsburg (6)	Air Quality	Construction Without Permit	Consent Amendment	3/06/00
Latimer, City of (2)	Drinking Water	Compliance Schedule	Consent Order	3/06/00
Beatrice Group, Inc., Fredericksburg	Air Quality	Construction Without Permit	Consent Amendment	3/08/00
Alliant Power, Chillicothe (6)	Air Quality	Construction Without Permit	Order/Penalty \$2,000	3/08/00
Begley Company d/b/a Concord Custom Cleaners, Iowa City (6)	Air Quality	Other	Order/Penalty \$1,000	3/08/00
Farmers Cooperative Elevator; Stateline Cooperative, Titonka (2)	Hazardous Condition	Remedial Action	Order	3/13/00
Hawkeye Leisure Trailers, Ltd., Humboldt (2)	Air Quality	Construction Without Permit	Order/Penalty \$2,000	3/13/00
Minnesota Rubber Company, Mason City (2)	Air Quality	Construction Without Permit	Order/Penalty \$3,000	3/13/00
Christiansen Construction Co., Persia (4)	Air Quality	Asbestos	Consent Amendment	3/16/00
Ledyard, City of (2)	Air Quality	Asbestos	Consent Amendment	3/16/00

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Coralville, City of (6)	Wastewater	Compliance Schedule	Amended Order	3/16/00
Caraustar Paperboard Co. d/b/a Tama Paperboard, Tama (5)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	3/16/00
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer, Iowa City (6)	Air Quality	Asbestos	Referred to AG	3/20/00
Norman Klynsmas d/b/a OK One Stop Service, Hospers (3)	Underground Tank	Site Assessment	Referred to AG	3/20/00
Peter J. Orth f/d/b/a Strauss Bros. Conoco, Burlington (6)	Underground Tank	Site Assessment; Remedial Action	Referred to AG	3/20/00
Swine Graphics Enterprises, LP Tama Co. (5)	Animal Operation	Feeding Manure Management Plan Records; Manure Over-Application; Animal Weight Exceedence	Referred to AG	3/20/00
The Barn, Sherrill (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$1,000	3/30/00
LT Tap, Waucoma (1)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Public Notice	Order/Penalty \$500	3/30/00
K Mart, Oelwein (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Other Inorganics; Public Notice	Order/Penalty \$500	3/30/00
Kirk Latta, Wilton (1)	Drinking Water	License Discipline	Order/Penalty \$10,000	3/30/00
Andrew, City of (1)	Drinking Water	Compliance Schedule	Consent Order	3/30/00
Delaware County Conservation Board (1)	Drinking Water	Monitoring/Reporting – Bacteria; Operational Violations; Construction Without Permit	Order/Penalty \$1,000	3/30/00
Barilla America Inc., Ames (5)	Air Quality	Construction Without Permit	Consent Amendment	3/30/00
Iowa State University Heating Plant, Ames (5)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	3/30/00
3M Company, Knoxville (5)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	3/30/00
ALMACO Inc., Nevada (5)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	3/30/00
Lifeline Emergency Vehicles, Incorporated, Sumner (1)	Air Quality	Construction Without Permit	Order/Penalty \$5,000	3/30/00
Iowa Beef Processors, Inc. (IBP), Columbus Junction (6)	Air Quality	Construction Without Permit	Order/Penalty \$4,500	3/30/00
Hog Slat, Inc., Humboldt (2)	Air Quality	Construction Without Permit	Consent Amendment	3/30/00
John Morrell & Co. d/b/a Curly's Foods, Sioux City (3)	Air Quality	Construction Without Permit	Order/Penalty \$2,500	3/30/00
Aluminum Company of America (ALCOA), Riverdale (6)	Air Quality	Construction Without Permit	Order/Penalty \$1,500	3/30/00
Winter Mobile Home Park, New Hampton (1)	Drinking Water	Monitoring/Reporting – Bacteria, Organics; Operation Without Permit; Public Notice	Order/Penalty \$1,000	3/30/00

IBP, Inc., Columbus Junction (6)	Solid Waste	Illegal Disposal	Order/Penalty \$1,000	3/30/00
State Wide Metal Recycling, Inc.; Fred Bovee, Polk Co. (5)	Solid Waste; Hazardous Condition	Illegal Disposal; Remedial Action	Order	3/30/00
Steve Friesth, Webster Co. (2)	Solid Waste; Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$4,000	3/30/00

### SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
* Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,430	6-05-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Full Moon Saloon (Jesup)	WS	500	4-23-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
# Gary Frana (Winneshiek Co.)	AFO	3,000	10-13-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	1,000	11-01-99
* Robert Simon (Dubuque Co.)	AQ/SW	2,000	11-01-99
Klunder's Kafe (New Hampton)	WS	100	11-02-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
Winneshiek Co. Memorial Hospital (Decorah)	AQ	600	12-20-99
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
James Harter (Fairfield)	WW	1,800	1-29-00
Arthur, City of	WW	1,000	2-01-00
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	2,250	2-11-00
Ducks Bar & Grill (Aredale)	WS	500	2-21-00
Clair's Fisherman's Wharf (Dubuque)	WS	100	2-21-00
* Ben Haven Mobile Home Park	WS	400	4-01-00
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
New Virginia Sanitary District (New Virginia)	WW	5,000	3-10-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
* R.V. Hopkins, Inc. (Davenport)	AQ	7,200	3-16-00
Jerry L. Roney (Huxley)	UT	2,000	3-25-00
* Holland Contracting Corp. (Forest City)	AQ	3,000	4-01-00
Meadowknolls Addition (Linn Co.)	WS	1,500	4-04-00
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	4-08-00
Joe Denemark d/b/a Walnut Acres Campground (Monticello)	WS	1,000	4-15-00
Gene Christiansen d/b/a Christiansen Construction Co. (Persia)	AQ	4,000	4-15-00
D/S Land Company, L.C. d/b/a The Outer Edge (Mason City)	WS	300	4-25-00
Kenny Habben (Pioneer)	AQ	5,000	5-05-00
Beatrice Group Inc. (Fredericksburg)	AQ	1,250	5-07-00
Ainsworth, City of	WW	1,000	5-12-00



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Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Sinclair Oil Corporation (Ft. Madison)	AQ	1,500	5-12-00
Alliant Power (Chillicothe)	AQ	2,000	5-12-00
Begley Company d/b/a Concord Custom Cleaners (Iowa City)	AQ	1,000	5-12-00
Hawkeye Leisure Trailers, Limited (Humboldt)	AQ	2,000	5-19-00
Ivan Stoltzfus (Decatur Co.)	WW	4,200	6-01-00
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Minnesota Rubber Company (Mason City)	AQ	3,000	----
Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama)	AQ	1,000	----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Aluminum Company of America (ALCOA) (Riverdale)	AQ	1,500	----
John Morrell & Co. d/b/a Curly's Foods (Sioux City)	AQ	2,500	----
Iowa Beef Processors, Inc. (IBP) (Columbus Junction)	AQ	4,500	----
Lifeline Emergency Vehicles, Inc. (Sumner)	AQ	5,000	----
ALMACO, Inc. (Nevada)	AQ	1,000	----
3M Company (Knoxville)	AQ	1,000	----
Iowa State University Heating Plant (Ames)	AQ	1,000	----
Delaware County Conservation Board	WS	1,000	----
Kirk Latta (Wilton)	WS	10,000	----
K Mart (Oelwein)	WS	500	----
LT Tap (Waucoma)	WS	500	----
The Barn (Sherrill)	WS	1,000	----
IBP, Inc. (Columbus Junction)	AQ	1,000	----
Winter Mobile Home Park (New Hampton)	WS	1,000	----
Steve Friesth (Webster Co.)	AQ/SW	4,000	----
<b>TOTAL</b>		<b>159,030</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESC&P Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99

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Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,460	6-08-99
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00
<b>TOTAL</b>		<b>131,014</b>	

The following administrative penalties have been appealed:

Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Tom Wiseman (Sheffield)	UT	3,500
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Sylvan Acres (Janesville)	WS	1,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	9,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
West Union Cooperative Co. (West Union)	WW	10,000

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Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
Fayette County Sanitary Landfill	SW	7,500
Gerald and Judith Vens (Scott Co.)	FP	5,000
Anthony's Resort (Sherrill)	WS	2,100
Snap-On Tools Company (Algona)	AQ	1,500
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
Flying J Inc. (Clive)	WW/UT	10,000
CGB Printing Co. a/k/a Rock Communications Ltd. (Newton)	AQ	10,000
Wilcox All-Pro Tool & Supply (Poweshiek Co.)	WW	1,800
Fairfield, City of	AQ/SW	10,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
Muscatine County Sanitary Landfill	SW	10,000
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000
Case Corporation (Burlington)	AQ	3,000
National By-Products, Inc. (Clinton)	AQ	1,500
#Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Shine Bros. Inc. (Spencer)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	AQ	3,000
Dave & Theresa Cook d/b/a Curry Environ. Svc.(Burlington)	AQ	10,000
McGregor, City of	WS	5,000
Fernald Water System	WS	10,000
Armstrong, City of	WS	4,000
Brown Bottle Restaurant (Cedar Falls)	WS	7,000
Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	4,500
Sac County Golf and Country Club (Wall Lake)	WS	3,000
Crawfordsville, City of	WS	500
Tara Hills Country Club (Van Horne)	WS	500
Barilla America Inc. (Ames)	AQ	10,000
Michael Roberts (Page Co.)	AQ	1,500
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
GK Properties, Inc.; Greenwood Hills Estates, L.C. (Dallas Co.)	WW	6,500
Oakview Construction, Inc. (Red Oak)	AQ/SW	2,000
Omaha Cold Storage Terminals, Inc. (Ft. Dodge)	WW	1,500
Hog Slat, Inc. (Humboldt)	AQ	1,000
Edward Degeus (Britt)	AQ	3,000
Fort Dodge, City of	WS	5,000
Aaron Berry (Pottawattamie Co.)	AQ/SW	1,500
Solar Transport, Inc. (West Des Moines)	UT	2,000
# Mark Shipman (Corwith)	AFO	1,000
Pine Creek Par 31 Golf Course (Mason City)	WS	1,250
Bonaparte, City of	AQ/SW	10,000
Dave Thompson (Hancock Co.)	SW	2,000
Wendall Abkes (Butler Co.)	AQ/SW	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Steven Reimers (Schaller)	AQ/SW	5,000
Minsa Corporation (Red Oak)	WW	10,000
Red Oak Lanes; Richard Culver (Red Oak)	SW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
Larry Maasdam and Kim Ahrends (Clarion)	SW	4,000
<b>TOTAL</b>		<b>539,075</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
GKN Armstrong Wheels, Inc. d/b/a Armstrong Rim & Wheel Mfg. Co. (Armstrong)	AQ	3,500

GKN Armstrong Wheels, Inc. (Estherville)	AQ	1,800
* Ben Haven Mobile Home Park	WS	50
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	3,000
Gold Eagle-Farmland L.C. (Eagle Grove)	AQ	5,000
Ethel Mann d/b/a White Springs (McGregor)	WS	100
AG Partners, L.L.C. (Royal)	AQ	2,500
Ledyard, City of	AQ	2,500
Iowa Mold Tooling Co., Inc. (Garner)	AQ	2,500
University of Iowa (Iowa City)	WW/HC	10,000
# Aaron Tolander (Louisa Co.)	AFO	1,000
* R.V. Hopkins, Inc. (Davenport)	AQ	500
Woodharbor Molding and Millworks (Mason City)	AQ	3,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	2,000
<b>TOTAL</b>		<b>37,450</b>

### ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed	3/15/99 9/13/99
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6) <b>NEW</b>	Air Quality	Asbestos	Referred to Attorney General	Referred	3/20/00
Ballard, Randy Fayette Co. (1) <b>UPDATED</b>	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 6/08/00
Citizens Against Golden Oval Winnebago Co. (2)	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Motion for Dismissal Resistance to Stay Hearing on Stay Petition for Stay Denied Hearing	8/20/99 9/07/99 9/07/99 9/07/99 10/05/99 3/08/00
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment	1/22/97 4/24/97 9/02/97 9/04/97

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					Trial	9/16-
					Ruling for State	18/97
					Defendant's Notice of Appeal	1/15/98
					Defendant's Proof Brief Filed	2/13/98
					State's Brief	7/08/98
					Supreme Court Arguments	10/08/98
					Affirmed	12/13/99
						3/22/00
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge		Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge		Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief Ruling on Petition (\$25,000/Civil) Defendant's Notice of Appeal Defendant's Brief State's Brief	8/18/97 3/20/98 3/16/99 3/30/99 5/28/99 6/24/99 11/01/99 2/04/00
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge		Referred to Attorney General	Referred	11/16/98
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Discharge		Referred to Attorney General	Referred	12/20/99
Enviro Safe Air, Inc. Sioux City <b>UPDATED</b>	(3) Air Quality	Asbestos		Referred to Attorney General	Referred Petition Filed	10/18/99 03/17/00
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2) <b>UPDATED</b>	Solid Waste	Illegal Disposal		Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date Ruling (\$3,500,000/Civil) Notice of Appeal Case Dismissed	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99 4/22/99 5/17/99 3/01/00
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Solid Waste	Illegal Disposal		Judicial Review	Petition Filed State's Answer Defendant's Brief State's Brief Hearing	10/19/98 11/17/98 7/23/99 8/24/99 9/09/99

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						Ruling for State Notice of Appeal	11/18/99 12/07/99
Henry County Board of Supervisors Henry Co. (6)	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred			2/15/99
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred			3/15/99
Hollingsworth, Daryl & Karen Indianola (5)	Underground Tank	Financial Responsibility	Order/Penalty	Referred Motion for Default Judgment Hearing			10/18/99 2/17/00 4/17/00
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed			11/21/94 4/18/96 9/20/96 9/20/96
Iowa Millenium Investors, LLC Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred			10/18/99
Klynsma, Norman d/b/a OK One Stop Service Hospers <b>NEW</b> (3)	Underground Tank	Site Assessment	Order/Penalty	Referred			3/20/00
LaFarge Corporation Davenport (6)	Air Quality	Excess Emissions	Referred to Attorney General	Referred			3/15/99
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred			5/17/99
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed			8/17/98 11/05/99
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)			2/17/92 12/21/92 10/11/94
Mills County Landfill Assn. & Remonot County Landfill Assn. Mills Co. (4)	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Filed			11/05/99 11/29/99

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Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Polk Co. (5)	Solid Waste	Permit Violations	Order/Permit Revocation	Judicial Review Petition Filed Ruling for State Notice of Appeal	12/21/97 6/12/98 7/19/98
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Orth, Peter J. f/d/b/a Strauss Bros. Conoco Burlington (6) <b>NEW</b>	Underground Tank	Site Assessment; Remedial Action	Order/Penalty	Referred	3/20/00
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6) <b>UPDATED</b>	Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred Petition Filed Trial Date Consent Decree (\$1,000/Civil; \$3,000/Admin.)	11/16/98 4/08/99 12/04/00 3/09/00
Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred	8/16/99
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Swine Graphics Enterprises, Inc. Tama Co. (5) <b>NEW</b>	Animal Feeding Operation	Manure Management Plan; Manure Over- Application; Animal Weight Exceedance	Referred to Attorney General	Referred	3/20/00
Village Realty Pottawattamie <b>UPDATED</b>	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal Motion for Summary Judgment Hearing Ruling Denying Motion for Summary Judgment	8/12/98 10/08/98 12/22/98 1/27/00 2/22/00 3/16/00
Walker, Jim Iowa City (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing	10/18/99 1/25/00 3/30/00

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Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing Ruling for State Notice of Appeal	11/19/98 12/23/98 8/24/99 8/31/99 9/27/99
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	5/17/99

## CONTESTED CASES

Date Received	Name of Case	FO	Action Appealed	Program	Assigned To	Status
6/08/89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau 12/1/99.
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Murphy	Settlement offer to be renewed 3/00.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Permit issue d. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Murphy	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99. Revised closure permit application submitted 9/15/99.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Negotiating within bankruptcy proceeding.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	<b>Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal.</b>
4/12/93	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	<b>Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits. Dept. letter regarding resolution of appeal. 3/30/00 – Letter to City closing appeal upon recommendation of F.O. 3.</b>
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTY50)	4	Admin. Order	UT	Wornson	<b>Revised Tier 2 approved. CADR due 6/2/00.</b>
7/12/94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Compliance initiated 5/25/99; due 12/31/99.
8/29/94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR due 12/31/99. Penalty to be settled.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal..
9/26/94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	<b>Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal.</b>



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1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 - Report on compliance requested from FO and WW staff. 2/2/00 - Permit to be issued to facility. 3/31/00 - Status requested from Dept. engineer concerning issuance of permit.
2/23/95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96. 12/28/99 Dept. letter to facility attorney regarding setting appeal for hearing and also resolution of the appeal. 1/24/00 - Letter from WW attorney concerning settlement. Additional time requested to resolve issues raised by appeal. 2/22/00 Dept. response to attorney regarding hearing. 2/25/00 - Sent to DIA to be set for hearing. 3/8/00 - Hearing set for 5/19/00. Petition filed with DIA 3/28/00.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5/25/95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Settlement offer made 12/16/99.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96. Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 - Revised WLA and permit limits sent to facility. 1/26/00 - Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 - Follow-up letter to City regarding construction schedule. 3/20/00 - Response from City attorney with agreement to submit construction schedule by 4/20/00.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	2/1/00 - Report on compliance requested from FO. 2/7/00 - Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 - Letter to attorney concerning appeal resolution. 3/17/00 - Letter received from company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10/17/95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. ALJ decision upheld. Petition for review 11/19/98. District Court affirmed final agency action 8/31/99. Appealed to Supreme Court 9/27/99.
11/03/95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty paid 3/31/00. Closed.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 - Status report on compliance requested from FO 6. 2/2/00 - Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 - Follow-up letter to attorney.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3/14/96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3/14/96	Lamoni, City of	5	Admin. Order	WW	Hansen	12/20/99 Dept. letter with new waste load allocation and ammonia nitrogen limits for treatment facility. 1/26/00 - Letter to facility engineer regarding whether construction schedule needed due to new WLA and new effluent limit and setting appeal for hearing. 2/21/00 - Letter from engineer including compliance schedule in response to FO 5. 3/22/00 - Dept. accepted settlement offer from City engineer. Offer to be finalized in consent order with schedule and penalty.
3/22/96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance. 2/1/00 Status report on compliance requested of FO 6. 2/2/00 - Facility has returned to compliance. 2/24/00 - Settlement offer sent to MHP.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2.27.99 0 FO contacted regarding appeal resolution.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 - Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 - Response received from WQ engineer. Staff reviewing for decision.
6/07/96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing. Settlement meeting set for 11/17/99. Hearing set for 12/14/99.
6/10/96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6/10/96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin. Order/Penalty	AFO	Clark	Hearing continued - date to be set.

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8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin. Order	AFO	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
12/02/96	Organic Technologies Corp.	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	5	Admin. Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	<b>Compliance initiated. 3/31/00 – Appeal to be closed. New owner.</b>
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	<b>Compliance initiated. 3/31/00 Dept. settlement offer to water supply.</b>
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/01/97	Dodger Enterprises Co., Tire Chop Division Donald Grell	2	Admin. Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99. Appealed to Iowa Supreme Court 12/7/99.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; <del>Fayette Co. Solid Waste Mgmt. Comm.</del>	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette County. Hearing for Iowa Waste Systems set for 4/5/00. Amended order appealed 10/29/99.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99. Appealed to Iowa Supreme Court 12/7/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	<b>Status report received from city's consultant. 2/1/00 – Status report on WW compliance requested from FO 3. 2/28/00 – Settlement offer sent to attorney. 3/28/00 – City attorney letter received. 3/29/00 – Letter to attorney regarding scheduling settlement meeting and setting case for hearing.</b>
1/30/98	Rockwell City	3	Admin. Order/Penalty	WW	Hansen	<b>Meeting on 4/22/98 with city's engineer regarding facility plan. Hearing set for 3/29/00. 2/21/00 – Settlement offer presented to City. 2/28/00 – City's counter offer received. 3/29/00 – Settled. Agreement to be finalized in consent order.</b>
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 – Status report requested of FO. 3/2/00 – Status report received.
4/03/98	Pictured Rocks Methodist Camp	1	Admin. Order/Penalty	WS	Hansen	<b>Facility agreed to install chlorination. FO 2 inspection on 6/29/98 3/1/00 Status report requested of FO. 3/31/00 Settlement offer to water supply.</b>
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	<b>1/27/00 – Letter to WS concerning setting appeal for hearing. 2/18/00 – Response received from WS. 2/21/00 – Sent to DIA to be set for hearing. 3/2/00 DIA set hearing for 5/5/00.</b>
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Settlement close.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallet Co.	6	Admin. Order	SW	Tack	Clean-up continuing.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	<b>Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal.</b>
10/09/98	Elm's Corporation of Linn County (8LTX55)	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Tanks removed. Tier 2 overdue. Tier 1 submitted 10/14/99. Awaiting review.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin. Order/Penalty	WW	Murphy	<b>Hearing set for 6/1/00.</b>
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	6	Admin. Order/Penalty	WW	Murphy	<b>Hearing set for 5/10/00. Settled. Awaiting penalty payment.</b>
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hansen	<b>Sanitary survey completed by F.O. 4. Public notice posted. 12/29/99 WS to connect to regional water by Spring 2000. 3/27/00 Per regional water motel to be connected third week April.</b>
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin. Order/Penalty	SW	Tack	<b>Default judgment entered. Abatement agreement signed. Penalty will be forgiven upon compliance with abatement agreement.</b>
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	<b>Settlement proposed 9/99. Further studies 4/00.</b>

## Environmental Protection Commission Minutes

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2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin. Order/Penalty	AQ/SW	Tack	Proposed decision 1/7/00. \$2,250 penalty imposed.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	<b>4/00 – City progressing on facility improvements. Will monitor for progress.</b>
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18/ & 19/99. Settled. Administrative consent order with penalty agreed upon. 2/10/00 – Admin. Consent Order sent to facility for signatures. 2/29/00 – No response received.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hansen	<b>Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 &amp; 19/99. Settled. Administrative consent order with penalty and compliance schedule agreed upon. 2/10/00 – Admin. Consent Order sent to facility for signatures. 2/29/00 – No response received.</b>
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	<b>Hearing continued. Second settlement meeting held 8/18/99. Hearing procedure on hold pending outcome of task force.</b>
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin. Order/Penalty	WW	Hansen	<b>Compliance initiated by City. To be set for hearing regarding penalty. 1/28/00 – Compliance status report received from FO 2. 2/7/00 – Letter to City advising appeal be set for hearing. 2/18/00 – Sent to DIA to be set for hearing. 3/00 – Hearing set for 4/26/00.</b>
4/08/99	<del>Fayette County Sanitary Landfill Iowa Waste Systems</del>	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette Co. Hearing set for 4/5/00 for Iowa Waste Systems.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Hearing continued to 4/21/00. Settlement received. Payment plan started..
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	<b>Hearing procedure on hold pending outcome of task force.</b>
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies. Chlorination installed at WS. 1/28/00 – Dept. letter concerning compliance status and setting appeal for hearing. 2/29/00 – Sent to DIA to be set for hearing.
5/06/99	Hargrave McEleneay, Inc.	6	Admin. Order/Penalty	WS	Hansen	<b>Amended order to be issued. 2/2/00 – Dept. to contact WS concerning lead and copper sampling. 3/29/00 – Dept. engineer requested two more rounds of sampling to be conducted by 7/30/00.</b>
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin. Order/Penalty	AQ	Preziosi	<b>Settlement meeting held 1/31/00. 2/04/00 – Evaluating additional information.</b>
5/28/99	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	<b>Amended AO to be issued. Settled. Awaiting penalty payment.</b>
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin. Order/Penalty	WW	Tack	New hearing requested by DNR.
7/13/99	<b>Aaron Tolander</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>AFO</b>	<b>Clark</b>	<b>Penalty paid 3/22/00. Settled.</b>
7/16/99	Fairfield, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Settled. Awaiting penalty payment.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffery Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing continued until 4/28/00.
8/06/99	<b>GKN Armstrong Wheels, Inc.</b>	<b>3</b>	<b>Admin. Order/Penalty</b>	<b>AQ</b>	<b>Preziosi</b>	<b>Settled. Penalty paid 3/2/00. Closed.</b>
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/11/99	Beatrice Group, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
8/19/99	Case Corporation	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/25/99	National By-Products, Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/08/99	Fibre Body	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/09/99	Winnebago County Memorial Hospital	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer.
9/13/99	Dave & Theresa Cook d/b/a Curry Environmental Services	6	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	12/99 – FO and WS tracking compliance.
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/24/99	Lorene Logue; Willy Holmes; Todd Holmes	5	Admin. Order/Penalty	AQ	Tack	<b>Sent to DIA.</b>
9/29/99	McGregor, City of	1	Admin. Order/Penalty	WS	Murphy	12/99 - FO is monitoring construction progress.

9/29/99	Armstrong, City of	3	Admin. Order/Penalty	WS	Hansen	City has agreed to take action required by order for installation of treatment. 10/14/99 – City completed lead education program. 10/13/99 – Dept. issued construction permit. 12/28/99 – Call from City – construction nearly complete. 1/25/00 – WS returned to compliance. Dept. settlement offer sent to City. 2/9/00 – City response rejecting settlement offer. 2/17/00 – Letter to City regarding setting appeal for hearing. 2/29/00 – Sent to DIA to be set for hearing. 3/29/00 – Dept. received notice of withdrawal of appeal from City attorney. Settled. Awaiting penalty payment.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/11/99	Kenny Habben	2	Admin. Order/Penalty	AQ	Tack	Settled. Awaiting penalty payment.
10/12/99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
10/12/99	Brown Bottle Restaurant	1	Admin. Order/Penalty	WS	Hansen	WS submitted preliminary engineering report regarding nitrate reduction. WS to install an ion exchange unit. Still need to submit construction permit applications and a schedule. Report dated 10/29/99 submitted to Dept. Review completed by Dept. WS engineer. Facility engineer to submit construction permit application and schedule. 1/3 and 1/26/00 – Dept. requested iron and sulfate test. When test results are received Dept. will set due date for submittal of P & S. 2/28/00 – Dept. letter requiring iron and sulfate tests and submittal of plans and specifications for nitrate removal system by 3/10/00. 3/21/00 – Dept. engineer received and reviewed plans and specifications. Awaiting iron test results.
10/14/99	Crawfordsville, City of	6	Admin. Order/Penalty	WS	Murphy	Sent to DIA 3/15/00.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
10/19/99	Tara Hills Country Club	1	Admin. Order/Penalty	WS	Murphy	12/99 – Facility closed for the season. Chlorination facilities approved. Will check status in Spring 2000.
10/19/99	Dean Larsen (Martin Marietta)		Water Use Permit	WR	Clark	Hearing set for 4/6/00.
10/22/99	Barilla America, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
10/22/99	Greenwood Hills Estates, L.C. and GK Properties, Inc.	5	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Site inspected for compliance 12/10/99.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	Hearing procedure delayed pending outcome of task force.
11/04/99	GKN Armstrong Wheels d/b/a Armstrong Rim & Tire	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty paid 3/2/00. Closed.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settlement offer sent 3/22/00.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
12/01/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/08/99	Oakview Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/13/99	Omaha Cold Storage Terminals	2	Admin. Order/Penalty	WW	Murphy	Hearing set for 5/31/00.
12/13/99	Hog Slat	2	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting SEP.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
12/22/99	Dr. Michael Miller d/b/a Eastridge Animal Center	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty paid 2/25/00. Closed.
1/04/00	Aaron Berry	4	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 3/22/00.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 2/22/00.
1/07/00	Ft. Dodge, City of	2	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
1/11/00	Gene Christiansen d/b/a Christiansen Construction Co.	4	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting penalty payment.
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/13/00	Mark Shipman	2	Admin. Order/Penalty	AFO	Murphy	Negotiating before filing.
1/13/00	Pine Creek Golf Course	2	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
1/18/00	Four Oaks Farm & Stables	1	Tax Certification Denial	SW	Tack	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	Negotiating before filing.
1/20/00	Solar Transport Co.	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
1/21/00	Dave Thompson	2	Admin. Order/Penalty	SW	Tack	Sent to DIA to be set for hearing.
1/25/00	Bonaparte, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Cleanup to be completed by 7/1/00. Penalty to be negotiated upon completion.
1/25/00	Tire Environmental Services, Inc.	1	Permit Conditions	SW	Tack	Negotiating before filing.
2/07/00	Ledyard, City of	2	Admin. Order/Penalty	AQ	Brabec	Settled. Fence will be installed by August. Penalty paid 3/15/00. Closed.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
2/10/00	Holland Contracting Corp.	2	Admin. Order/Penalty	AQ	Brabec	Settled. Penalty plan established.
2/11/00	Steven Reimers	3	Admin. Order/Penalty	AQ/SW	Brabec	Settled. penalty plan established.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
2/22/00	Red Oak Lanes, Inc.; Richard Culver	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	Negotiating before filing.

3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	New case.
3/08/00	Textron Inc.	1	Permit Denial	AQ	Brabec	New case. Settled.
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	New case.
3/31/00	Larry Maasdam; Kim Ahrends	2	Admin. Order/Penalty	SW	Tack	New case.

Mr. Valde reviewed the reports with the Commission.

Brief discussion followed.

Mr. Valde reported that the Citizen's Against Golden Oval challenged the issuance of the construction permit for Golden Oval as being improperly issued, and the court upheld the issuance of the permit.

<b>INFORMATIONAL ONLY</b>
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## **PUBLIC PARTICIPATION**

### **Rick Nugent (S. Cedar Creek designation)**

Rick Nugent, landowner near South Cedar Creek, spoke about the agenda item to reclassify stream designations. He related that a portion of South Cedar Creek is proposed to be reclassified from Class B, cold water to Class B, limited resource. He displayed a sample of water taken from the creek the previous day and noted that there is a problem with ammonia discharged from the Garnavillo sewage treatment plant. Mr. Nugent stressed that the stream is degraded and no longer has trout over winter. He noted that there was a massive fish kill on the stream three years ago cause by a hog farm. Mr. Nugent asked the Commission to do what they can to alleviate this problem.

Rita Venner asked Mr. Nugent what he thinks is a major problem.

Mr. Nugent stated that there is a continuous inflow of nitrates, and the watershed isn't protected from surface application of hog confinement manure.

Jack Riessen explained that in regard to changes in the stream uses, the Notice of Intended Action is on today's agenda and it is seeking approval to go out to public hearings to receive comments on that rule.

### **Peggy Murdock (illegal drainage to stream)**

Peggy Murdock, Sierra Club, spoke about the difficulty when finding a violation in getting it documented. She noted that on February 18, a creek in her area smelled bad and she took a sample of the water which tested over the limits for ammonia and phosphorus, as far as she was capable of testing. She related that she spoke to Jim Stricker on February 21 and he said they would send someone out in a couple of days. Ms. Murdock noted that the snow had melted and it rained by the time someone came out, and by that time whatever was in the creek was diluted. She related that the City of Ames was called and told the that the creek smelled bad and on

February 24, someone from the city went out and didn't smell anything and that was the end of it. Ms. Murdock stated that on March 8, the city took a grab sample, but DNR never went out and tested. She spoke about a situation involving Squaw Creek and a storm drain where there was green liquid that looked and smelled of anti-freeze. She expanded on that issue and related that someone is running something illegal down the creek everyday and DNR should do something about it.

Mr. Murphy stated that the Department received a letter from Ms. Murdock that raises a number of issues and staff is preparing a response.

#### **Bernita Rozinek (C.R. landfill)**

Bernita Rozinek, Ely, stated that she lives adjacent to the proposed Cedar Rapids landfill and she spoke at last month's meeting about soil erosion problems that might occur if the landfill is sited there. She distributed copies of a letter summarizing a site inspection by DNR which listed soil erosion as already occurring on the property. She read an excerpt from the inspection report regarding destruction of plant/animal life, and the possible destruction of endangered and threatened species prior to the study being completed. Ms. Rozinek stated that she had a 6/11/93 letter from the DNR to Rebecca Palmer stating that a permit would not be needed for expansion of the landfill at Site2 on the County Home Road. She displayed a map showing the available space and related that there is adequate space left for expansion of the landfill.

#### **Joanne Popelka (C.R. landfill)**

Joanne Popelka, Ely, stated that she lives adjacent to the proposed Blue Stem landfill. She spoke in opposition to the landfill and expressed concerns with the possibility of her well water being contaminated if the landfill is allowed. She noted that the synthetic liner is guaranteed for only 20 years and leachate could seep into the aquifer. Ms. Popelka expanded on the leachate issue. She distributed copies of Cedar Rapids Gazette articles relating to the proposed landfill.

### **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Economy Solar Corp. (Cedar Rapids) – air quality/penalty

- b. Ralene Hawkins (Des Moines County) – solid waste/air quality/penalty
- c. Randy Harbach/Randy Harbach Enterprises, Inc. (Delaware County) – solid waste/air quality
- d. Jim Ledenbach (Cedar Rapids) – solid waste/penalty
- e. Guardian Industries Corporation (DeWitt) – air quality
- f. Iowa Mold Tooling Co., Inc. (Garner) – air quality
- g. Iowa Select Farms, L.P. (Clarke/Ringgold County) – animal feeding operations
- h. Indian Creek Corporation (Jasper County) – animal feeding operation

Mr. Murphy reported that the DeCoster ruling which was provided with the agenda packet dealt with some of the issues the Commission has faced in regard to the Commission's role in referrals.

### **Economy Solar Corp**

Mr. Murphy stated that this referral is being withdrawn as they have paid the penalty.

<b>REFERRAL WITHDRAWN</b>
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Brief discussion followed in regard to the penalty and whether interest was paid on it.

### **Ralene Hawkins**

Mr. Murphy briefed the Commission on this case involving illegal tire disposal.

<i>Motion was made by Kathryn Murphy for referral to the Attorney General's Office. Seconded by Rita Venner. Motion carried unanimously.</i>
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<b>REFERRED</b>
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### **Randy Harbach/Randy Harbach Enterprises, Inc.**

Mr. Murphy briefed the Commission on this case involving solid waste violations. He noted that there were five previous violations for his operations over the years.

Darrell Hanson stated that he would abstain from voting due to multiple conflicts of interest in this case.

Rita Venner asked what Mr. Harbach does with the useable wood pallets.

Mr. Murphy responded that he repairs and re-sells them. He noted that a person can burn landscape waste generated on their own property, but cannot burn trade waste such as pallets.

*Motion was made by Rita Venner for referral to the Attorney General's Office. Seconded by James Braun. Motion carried with Commissioner Hanson abstaining.*

**REFERRED**

### **Jim Ledenbach**

Mr. Murphy briefing the Commission on this case involving the illegal storage of waste materials.

*Motion was made by Kathryn Murphy for referral to the Attorney General. Seconded by Rita Venner. Motion carried unanimously.*

**REFERRED**

### **Guardian Industries Corporation**

Mr. Murphy stated that this company manufactures glass and began operation in Iowa in 1996. He noted that they obtained permits at that time but there have been issues since regarding their original PSD permit application, untimely filing of the Title V permit, and emission summaries and fees. He added that they are beginning to operate some diesel generators and there were some deficiencies in the initial operation and testing of those showing excess emissions. Mr. Murphy related that they have re-tested since then but staff has not yet received those results.

Gary Priebe asked if they have been working with the Department to resolve the problems.

Mr. Murphy replies that they are working with the staff but these are major issues that need to be resolved through court action. He added that there should be no problem in working out an agreement with them.

Rita Venner asked if they are up to date on their permits.

Mark Peterson, Guardian Industries, stated that they are up to date on permits with the exception of a change on the diesel generator.

Discussion followed in regard to the necessity of referring since resolution is in the process. Also discussed was the penalty in general and the possibility of tabling the item.



**Closed Session**

*Motion was made by Rita Venner to go into closed session pursuant to Iowa Code section 21.5(1)(c) to discuss strategy with counsel on matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Gary Priebe. Roll call vote was taken and “Aye” vote was cast by Commissioners Murphy, Priebe, Venner, Braun, Giannetto, Hanson, and Townsend. Motion carried unanimously.*

*Motion was made by Darrell Hanson to adjourn closed session and return to open session. Seconded by Rita Venner. Motion carried unanimously.*

Chairman Townsend stated that the Commission discussed the penalty issue and no decisions were made during the closed session.

*Motion was made by Darrell Hanson for referral to the Attorney General’s Office. Seconded by Rita Venner. Motion carried unanimously.*

<b>REFERRED</b>
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**PETITION FOR RULEMAKING – JOHNSON COUNTY BOARD OF HEALTH**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission is requested to approve the Proposed Denial of Petition, for the reasons stated therein. A copy of the Petition for Rulemaking, and attachments, are also included.

**BEFORE THE  
IOWA DEPARTMENT OF NATURAL RESOURCES**

<b>Petition by Johnson County Board of Health,</b>  <b>For the Amendment of Subrule 64.2(3)</b>  <b>Relating to the separation distance between wastewater disposal systems and inhabitable or commercial buildings.</b>	<p style="text-align: center;"><b>PROPOSED</b></p>  <p style="text-align: center;"><b>DENIAL OF PETITION</b></p>
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The Johnson County Board of Health, has requested that the Commission amend its rules relating to the 1,000 foot separation distance requirement of subrule 567 IAC 64.2(3), paragraph “a”, relating to site approval for proposed wastewater disposal systems. That subrule states:

The following separation distances from treatment or lagoon water surface shall apply:

a. 1000 feet from the nearest inhabitable residence, commercial building, or other inhabitable structure. If the inhabitable or commercial building is the property of the owner of the proposed treatment facility, or there is written agreement with the owner of the building, the separation criteria shall not apply. Any such written agreement shall be filed with the county recorder and recorded for abstract of title purposes, and a copy submitted to the department.

The Board requests that the following language be added to this paragraph:

If the proposed system is subsurface and no portion of treatment is exposed to the air except the effluent outlet and vents, then the separation distance may be reduced to 400 feet if the following criteria are met:

1. Operation and Maintenance Manual submitted with construction permit application;
2. Construction inspection will be done under the supervision of the design engineer; and
3. A perpetual maintenance contract is required.

The reasons for the request are stated in the December 30, 1999, and January 12, 2000, letters from the County. The County regulates “on-site wastewater treatment and disposal systems”, which by definition are facilities treating domestic sewage from four or fewer dwelling units, or the equivalent of 15 persons or less, for example individual septic tank/leach field systems. The County also has other interests in housing developments in its area, including land conservation and protecting environmentally sensitive areas. They feel that a key component of their “conservation subdivision” strategy is the use of centralized or quasi-centralized wastewater systems. Where more than four lots would share a common waste disposal system, it would be a “quasi-public” system falling within our jurisdiction, and the 1000’ separation distance would come into play. The County feels that the necessity for developers to secure waivers from the lot owners is overly burdensome on them and the distance requirement is a disincentive for developers to use community type systems, which in turn has a negative impact on the county and our interests in conservation and environmental protection.

### **DEPARTMENT RESPONSE**

The department feels that it may be feasible to make some changes to these rules to accommodate the interests involved, but that a much fuller discussion of the issues is needed. Some of the concerns the department has are:

The type of system the rule would apply to is not well enough defined. “...subsurface and no portion of treatment exposed to the air except the effluent outlet and vents...” leaves too many application questions in many staff member’s minds. For example, the County’s requests are ambiguous regarding surface discharge of effluent, suggesting at one point that the systems would not discharge, yet including “effluent outlet” as one of the exceptions to no surface exposure. The term “subsurface” also needs to be better defined.

Management becomes a big issue in this adaptation of onsite technology to community systems. Staff feels the management requirements in the proposed rule change may not be restrictive enough. Most of the compliance issues the department has with wastewater systems is with small communities, such as mobile home parks and small towns. In the drinking water program, subdivisions with community water supplies are frequently encountering compliance problems. Adding extremely small community wastewater systems, without clear delineation of management responsibility and accountability, will only add to our regulatory burdens.

More research and discussion needs to go into the issue of groundwater impacts of cluster onsite systems and how separation distances will effect these groundwater impacts.

There are many other broader issues that are opened up when we start this discussion. However, the staff feel that it is possible to deal with the smaller issue of separation distances in the short term as an independent item. We feel that we should address a possible rule change in an orderly, effective process over the next nine to twelve months. We will establish a committee to solicit input from all effected staff as well as outside stakeholders. We will report within that time as to what our recommendation is as to whether such a change is reasonable and if so how it should be worded. This is our usual rule writing procedure.

For the above-stated reasons, the department declines to initiate rulemaking proceedings on this subject at this time, but will engage in a more in-depth consideration of the issues involved and report to the Commission within one year with its recommendations for rule change, if any.

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Paul W. Johnson, Director  
Iowa Department of Natural Resources

Dated    this    \_\_\_\_    day  
of        April,        2000.

Mr. Murphy stated that in the Wastewater Program there is a rule which states that a wastewater treatment facility must be 1000 feet from the nearest inhabitable residence, commercial building or other inhabitable structures. He related that Johnson County and others are interested in promoting small community systems, adding that in most housing developments in rural areas they have to put in on-site, individual waste treatment systems or septic tanks in lateral fields. They are trying to discourage large spreading developments that take up a lot of land, and in doing so they would like to promote systems in which several property owners would come together to have a common system. Mr. Murphy noted that the mound system is currently one of the popular systems, adding that once a waste water treatment system serves more than four residences it becomes a public wastewater facility and the Department rules take effect. They would like to have the separation distance reduced to 400 feet. He related that there may be some room to work on these rules but there are a lot more issues involved than merely changing to a 400 foot distance. He pointed out that in the Department's proposed response it was noted that almost all of the problems staff encounter in enforcing these regulations involve small systems. Mr. Murphy urged the Commission deny the Petition for Rulemaking, and noted that staff would commit to get together with the parties to work something out, and then bring back a proposal at a later time. He noted that if a particular situation warrants it, variances could be

granted. Mr. Murphy reported that Johnson County said they were going to FAX a letter to the Department indicating they are not going to argue against the denial today, but that has not yet been received.

Gary Priebe asked if the petition is denied whether they would they want to do a test project to see what works and what does not work.

Mr. Murphy stated that it is something that could be done as a variance and permitted as a demonstration project.

Jack Riessen stated that the way to handle this would be through a variance. He noted that he met this morning with a number of people on this whole issue, and it is a problem statewide under the existing rules. He related there are a number of issues that need to be addressed and monitored before going to rulemaking.

Darrell Hanson asked if the motivation behind this request was to reduce the amount of land taken up in rural areas and in new housing developments.

Mr. Murphy stated that was one of the rationales they expressed.

*Motion was made by Gary Priebe to deny the Petition for Rulemaking by Johnson County Board of Health. Seconded by James Braun. Motion carried unanimously.*

**PETITION DENIED**

**CONTRACT APPROVAL – WINDSOR TECHNOLOGIES FOR SPARS MAINTENANCE AND MINOR ENHANCEMENTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Iowa Department of Natural Resources, Air Quality Bureau (AQB) and Windsor Technologies, Inc. created and have been maintaining the State Permitting and Air Reporting System (SPARS) under contracts 97-084 and 99-7230-12. SPARS has made it possible for our facility clients to fill out and submit an electronic construction and/or operating permit application via diskette, CD-ROM, e-mail, or ftp.

The Air Quality Bureau is distributing SPARS to our facility clients at this time by providing user guides, software and training.

The Air Quality Bureau has needs that require addressing over the next year. They are:

**#1 Renewal of the Maintenance and Minor Enhancements to SPARS** (current contract 99-7230-12 expires on May 2<sup>nd</sup>, 2000). This would continue the following tasks ...

As with any new system (and as more people use the SPARS software), we expect bugs/errors to come up now and then that will need to be resolved.

On occasion, our construction and operating permit applications require minor changes due to modifications in our rules and/or regulations that will need to be made to SPARS.

In addition, our facility clients have given us many suggestions on minor enhancements to make SPARS even better and easier to use.

The cost for one year of maintenance and minor enhancements to SPARS is \$98,444.00 (same as current contract 99-7230-12).

[Under Fiscal 2000 and 2001 Budgets, cost center #7230, activity code #406 and object code #2479.]

**#2 Add the Part 2 Operating Permit Application to SPARS** (this would include the design, development and implementation)

The Part 2 Operating Permit Application provides help to the applicants to:

Determine what federal and state requirements their facility must comply with;

Report all air quality regulatory requirements that the facility is subject to;

Submit information on the compliance status of the facility; and

Allow the applicant the option of adopting additional limits on operations or emissions.

The intent of this task would be to automate the Part 2 Operating Permit Application system.

The information obtained from Part 2 can be used for permitting, compliance, and permit application completeness.

The cost to add the Part 2 Operating Permit Application to SPARS is \$68,000.00 and would take approximately 12 to 16 weeks to complete.

[Under Fiscal 2000 Budget, cost center #7230, activity code #405 and object code #2450, there is an allocation of \$100,000.00 designated for IPI, which remains mostly unused. (We opted not to renew the contract with IPI.) We are requesting that \$68,000 of these funds be used for this task.]

**#3 Strategic Architecture**

The objective of this task is to develop a Strategic Architecture that will guide the IDNR AQB software development and enhancement for the next 5 to 7 years. Windsor would be considering current and reasonably foreseeable changes in the technology that may impact the design, AQB needs, Agency information management plans, non-Agency access needs, and regulatory requirements and rules.

The cost to create a Strategic Architecture is \$123,000.00 and would take approximately 12 to 16 weeks to complete.

[Under Fiscal 2000 Budget, cost center #7230, activity code #405 and object code #2450, there is an allocation of \$96,000.00 designated for SPARS training, which is not and will not be used.

(We opted to have in-house staff do the training instead of Windsor.) We are requesting that these funds be used for this task. Under Fiscal 2000 Budget, cost center #7230, activity code #405 and object code #2450 there is an allocation for \$200,000.00 for starting work on adding the Compliance to SPARS, which has not begun. (The State of Illinois is working on a similar project. To save money, we are opting to wait for their project.) We are requesting that the remaining \$27,000.00 for the Strategic Architecture project come from this fund.]

### **Conclusion**

Since Windsor Technologies, Inc. developed SPARS, it makes sense to contract with them again to do this work. If we were to ask another contractor to do this work, it would require a substantial amount of time and money for another contractor to get familiar with the SPARS software before even doing maintenance, adding Part 2 Operating Permit Application or designing a strategic architecture to the system. The Air Quality Bureau has been very pleased with Windsor's work in developing the SPARS software and would see it as a major asset to continue utilizing their services.

The total cost for all three items ... renewal of the Maintenance and Minor Enhancements to SPARS, adding the Part 2 Operating Permit Application to SPARS and designing a Strategic Architecture ... is \$289,444.00, which will be incorporated into one contract with Windsor Technologies, Inc.

The Commission is asked to approve the issuance of this contract with Windsor Technologies, Inc. for renewal of the Maintenance and Minor Enhancements to SPARS, adding the Part 2 Operating Permit Application to SPARS and designing a Strategic Architecture.

Mr. Valde distributed copies of the contract and reviewed details of same.

Cherity Gabrielle, Air Quality Bureau, explained how an application would be handled electronically and related that it will save much time and costs to companies. She noted that the website to access this is: [www.dnr.aq.state.ia.us](http://www.dnr.aq.state.ia.us)

Rita Venner asked how long the contract period runs.

Ms. Gabrielle stated that it begins in May 2000 and runs through 6/30/01.

*Motion was made by Darrell Hanson to approve the contract with Windsor Technologies, Inc. for SPARS. Seconded by Gary Priebe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Mr. Valde, on another matter, informed the Commission that there would be a public meeting tonight, in Ames, to discuss College Creek. He also mentioned that there is an application for a dome to cover the coal pile in Williams, Iowa.

**REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)****Iowa Select Farms, L.P.**

Mr. Murphy distributed a copy of a letter from Doug Gross, Counsel for Iowa Select, requesting an evidentiary hearing as a contested case proceeding. He noted that the Commission has routinely denied this type of request in the past.

Jim Pray, Counsel for Iowa Select, stated that he is making the request for evidentiary hearing as a matter of record. He related that it is still unclear to him as to how the Iowa Supreme Court will rule in the pending DeCoster case with a similar request.

*Motion was made by Darrell Hanson to deny the request for evidentiary hearing. Seconded by Rita Venner. Motion carried unanimously.*

**REQUEST FOR EVIDENTIARY HEARING DENIED**

Mr. Murphy stated that this case involves two incidents, the primary one on 9/14/99 at Clarke Sow Unit #20, where there was a release through back flow of swine manure from their lagoon facility through a pipeline that piped truck wash water up to the lagoon. He stated that the manure from the lagoon backed up through the pipeline, which was at a lower level than the lagoon liquid, and it boiled up through the ground and entered a ditch into a tributary to Seven Mile Creek. The analytical results indicated that it impacted the stream for three miles downstream but did not affect the larger streams that it flowed into, and there was not a fish kill. He related that the degree of pollution was relatively severe as it involved an estimated 25,000 to 35,000 thousand gallons of manure from the lagoon.

Mr. Murphy stated that there was an earlier incident at the Jernquist Nursery in Ringgold County, which involved a similar discharge. Due to a design defect in the system, manure that had been pumped from the pits into an outdoor concrete storage structure backed up through the system and an estimated 10,000 to 15,000 gallons went on to the ground through a grass waterway that was a tributary to a flowing stream. He related that the drainage way where the manure flowed was not carrying water at the time so the Department is not alleging water pollution, but it did soak into the ground. Mr. Murphy stated that the company did report it and addressed the issue appropriately. He related that they put in a dam as a safety factor to prevent rain from washing the manure downstream. He noted that it did not rain and they used the dam the next day to flush whatever remained and then pumped it up to land apply. He stated that incident constituted a failure to retain manure. Mr. Murphy noted that because of the pollution involved in the Clarke County event, as well as the history of the company involving three prior AO's, staff feel it warrants referral. He noted that the company has indicated that they are interested in pursuing a Supplemental Environmental Project (SEP) in lieu of a portion of the penalty. Mr. Murphy related that staff feel the referral should still go forward and the Attorney General's Office would then look at their SEP proposal.

**Appointment – Jim Pray**

Jim Pray, Brown-Winnick Law Firm, stated that their corporate counsel for Iowa Select wanted to be present but could not make it today as he is out of state. Mr. Pray presented some history of Iowa Select Farms. He distributed copies of their Environmental Initiatives and Commitments and related that their record shows they have done an excellent job and take environmental stewardship seriously. He stated that he does not believe a single fish or minnow has ever died at the hands of Iowa Select. He told about the awards Iowa Select has received from various organizations for their environmental stewardship. Mr. Pray spoke about programs they have written and efforts they have taken to improve their facilities and related they have spent a lot of money trying to make sure they don't harm the environment. He asked why referral is being made in this case, adding that DNR staff said it was because of the level of pollution. Mr. Pray explained the three previous AO's. He also spoke about the design flaw in the Jernquist case and related that the DNR's press release stated there was no environmental impact. He reviewed the facts of the case in Clarke County noting that a neighbor who saw the release did not do anything to notify Iowa Select about the discharge until a violation was documented, adding that he took a picture before notifying DNR. He stated that the DNR knew about the spill but did not notify the company until 5:30 p.m. He related that DNR priority should be to notify a facility of a release before documenting there is one. Mr. Pray said he does not think this is a case that is appropriate for referral. He noted that he would be happy to work with Department staff to resolve the matter, once the case is not referred. He urged the Commission to look seriously at this case to determine if this is really the kind of case they want to have referred.

**Appointment – Linda Appelgate**

Linda Appelgate, Executive Director, Iowa Environmental Council, stated that the IEC has been working to strengthen Iowa's livestock protections. She noted that the IEC has three full time farmers on their board of directors, all of whom have livestock, and they are very aware that animal agriculture is an essential part of Iowa's economy, and she expanded on that issue. Ms. Appelgate stated that she has a family retreat along Seven Mile Creek and she distributed copies of photos of her family and friends doing activities along the creek over a period of 1990 to the present. She noted that this creek has been seriously harmed. She told the Commission they have a tool to enforce the law and she hopes they use it to every extent possible. Ms. Appelgate stated that manure flowed from one of Iowa Select's 20 million capacity, open-pit lagoons into Seven Mile Creek. She related that when this facility was constructed across the road she was invited to tour the facility and she was awestruck at the size of the 20 million gallon hole. She noted that there are five separate open air lagoons and the hog manure stench blasts their home and they are now polluting the creek. She told the Commission that as they think about this referral it is important to recognize that this creek is representative of many little streams all over Iowa. She asked the Commission to send a message that will be one she will be proud to share with her family and friends.

Mr. Murphy stated that the Department addressed the time line issue in the litigation report and related that staff does not have a hard and fast policy on notifications when receiving a complaint. He noted that there are pros and cons to that and it is best left to the judgment of the staff in the field. He added that if there is a fish kill there is a need to get the fisheries staff there



to inspect. He stated that there have been incidents when notifying the producer that the Department has been accused of covering up for the industry and letting them hide the facts. Mr. Murphy related that it doesn't excuse a violation because the Department did not notify them.

Darell Hanson asked Mr. Pray if it was his contention that at the time the DNR was first on the site that the waste had not reached the stream yet.

Mr. Pray stated that he does not know.

Commissioner Hanson commented that the while it might be an issue of DNR procedure or judgment, the statute states that the violation is in allowing the manure to be discharged into the water.

*Motion was made by Darrell Hanson for referral to the Attorney General's Office. Seconded by James Braun. Chairman Townsend requested a roll call vote. "Aye" vote was cast by Commissioners Venner, Braun, Giannetto, Murphy, Hanson, and Townsend. "Nay" vote was cast by Commissioner Priebe. Motion carried on a vote of 6-Aye to 1-Nay.*

**REFERRED**

### **Indian Creek Corporation**

Mr. Murphy stated that this case involves the Indian Creek Corp. swine confinement at Jasper County and the Department is asking referral due to the long history of manure handling and disposal violations. The history outlines from 1987 and from May 1998 to the present for many violations including freeboard, leaking pits, overflowing lagoons, and methods of disposal such as flood irrigation which allows the manure to go out into the field and soak in. He noted that they have failed to submit adequate MMP's even after repeated requests from the Department. Mr. Murphy related that staff have made substantial efforts to deal with this but 1 ½ years later nothing has been done. He noted that last Fall the Department tried to settle the matter on a consent basis and they have not made any progress. He added that staff feel there is a severe mismanagement of swine confinement manure and the case needs to be referred to resolve it through the courts.

James Braun asked about the reference to the overflow pipe on page one of the litigation report.

Julie Nelson indicated that it is a PVC pipe.

Commissioner Braun explained how a system worked in So. Carolina and wondered if this is the same type of system.

Mr. Murphy stated that in Iowa we provide a design in the system for an emergency discharge, so it does not go out through an erosion channel and bust out a dike.

## Appointment - Curt Daniels

Curt Daniels, Counsel for Indian Creek Corp., stated that there is some confusion here noting that on one side there is an attempt to regulate hog farms, lagoons and point source pollution, and on the other side efforts are being made to control nitrates. He added that they are getting so merged that there is confusion. He told the Commission he doesn't want them to go home and feel they have made an impact on nitrates, because they will not if they use the hog and livestock producers as the whipping point. Mr. Daniels displayed a paper by Dr. Burkhart of the National Soil Tilth Laboratory regarding nitrogen. He related that the paper indicates that the biggest impacts of nitrogen in our environment is: 1) the mineralization or organic matter in the soils; 2) inorganic chemical fertilizers; and 3) soybeans. He related that among the six named, manure is the bottom contribution of nitrogen. Mr. Daniels stated that other sources of nitrogen are annually 100,000 tons of manure from livestock, 500,000 tons mineralized from the cornfield, and 700,000 tons applied through inorganic applications. He said that you can look at lagoons and attempt to regulate the point source but will make little impact unless looking at total nitrogen usage. Mr. Daniels stated that every complaint on Indian Creek Corp. was answered by letters. He noted there are nine requests in the Administrative Order and he recapped his response to those requests and actions taken. He displayed a sample of dried manure from a liquid/solid separation device and related that part of the consent decree is about cleaning out that device.

Darrell Hanson commented that there were a lot of reports of specific violations that have not yet been addressed.

*Motion was made by Darrell Hanson for referral to the Attorney General's Office. Seconded by Kathryn Murphy. Motion carried unanimously.*

**REFERRED**

**PROPOSED RULE—CHAPTERS 22, 23, 24 AND 25, AIR QUALITY PROGRAM RULES**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 24, "Excess Emission," and Chapter 25, "Measurement of Emissions." Chapter 23, "Emission Standards for Contaminants", 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for information.

The purpose of this rulemaking is to adopt by reference 3 national emission standards for hazardous air pollutants (NESHAPs) that were promulgated by EPA for the following source categories: hazardous waste combustors, publicly owned treatment works, and amino/phenolic resin production units. EPA has approved the departments 111(d) plan for hospital and medical infection waste incinerators and compliance dates, based on this date of approval from EPA, have been updated. Also included in the

rulemaking is the adoption of an EPA approved method for a drift calibration procedure in continuous opacity monitors

This rulemaking also propose to add two new exemptions from construction permitting, one for specific equipment at academic institutions and another for emergency vents, emergency releases, etc. It is also proposed that the department be notified in writing when exemptions from construction permitting are being claimed for specified equipment. The exemption from construction permitting is for units emitting less than 1.0 lb/hr is proposed to be deleted from the specific exemptions and converted into equipment that needs a construction permit. A separate construction permit application form for the units emitting less than 1.0 lb/hr is being proposed.

This rulemaking proposes that the number of copies of information for title V permitting, specifically the emission inventories and the paperwork associated with the fee submittal be reduced to only two copies. It also proposes a requirement to notify the department of ownership of equipment covered by a construction permit.

This rulemaking proposes to prohibit the open burning of certain materials when a local recycling program in the community would accept this material. This rulemaking also proposes to make changes to the provisions pertaining to when excess emissions are violations.

(A copy of the rule is on file in the Department's Records Center)

Mr. Valde reviewed details of the rules and noted they will come back for approval as a Notice of Intended Action next month.

<b>INFORMATIONAL ONLY</b>
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### **STATE REVOLVING FUND – INTENDED USE PLAN, FY 2000 (DRINKING WATER)**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided with a copy of the draft Drinking Water State Revolving Fund (DWSRF) Intended Use Plan (IUP) for fiscal year 2000.

Section 1452 of the Safe Drinking Water Act authorized the U.S. Environmental Protection Agency (EPA) to establish a State Revolving Loan Fund for drinking water-related projects to assist water systems to finance the costs of infrastructure needs and to maintain compliance with SDWA. Authorizing legislation to set up this fund in Iowa was approved in March 1997 and DWSRF IUPs were prepared for fiscal years 1998 and 1999. The IUP is the initial step in preparing a grant request for annual federal capitalization funds under this program.

The proposed FY 2000 IUP includes the list of projects proposed to receive loan assistance through the DWSRF with money available for the 2000 capitalization grant funds. Twenty-nine (29) applications were received, reviewed, and ranked using criteria contained in Commission rules. The draft IUP lists the 29 applicants and associated ranking. It is anticipated that, at a

minimum, the five highest ranked projects will receive loan assistance with the amount of funding available.

EPA and Commission rules require opportunity for public input on the proposed IUP. A public hearing will be scheduled in May, with notices thereof being sent to all interested persons or groups. A final IUP will be presented to the Commission for approval following the hearing and incorporation of any relevant comments or additional applications received.

Mr. Valde presented details of the plan.

Brief discussion followed.

<b>INFORMATIONAL ONLY</b>
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## **SOURCE WATER ASSESSMENT PROTECTION PROGRAM AND IMPLEMENTATION STRATEGY**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval of the Department's Source Water Assessment and Protection Program and Implementation Strategy will be requested. The Commission was provided with a copy of the Strategy at its March meeting. Because of the volume of the Strategy, copies are not being provided as part of the agenda and Commission should bring their copies for reference.

The Source Water Assessment and Protection Program was written to fulfill the requirements of Section 1453 (a) of the Amended Safe Drinking Water Act of 1996. Section 1453 (a) requires all States with primary enforcement responsibility for public water systems to carry out a source water assessment program within the State's boundaries.

Environmental Protection Agency guidance requires that each State Source Water Assessment Program include a plan, developed with public input, for the delineation, contaminant source inventory, and susceptibility analysis of each public water system. In addition, the State must have a method by which to notify the public of the source water assessment results. The Department sought public input during the development of the Strategy through the use of a combined Technical and Citizen Advisory Group. Following incorporation of the group's comments, the plan was presented at three public meetings in Storm Lake, Des Moines, and Iowa City during June of 1999. The EPA approved the plan on January 11, 2000.

The initial phase of the strategy (delineation, contaminant inventory, susceptibility and public information) will be carried out by the Department's Geological Survey Bureau (GSB) and private consultants using \$1.68 million in set-aside funds from the Drinking Water State Revolving Loan capitalization grant. The Geologic Survey Bureau will conduct the initial phase for every groundwater system in the state and four private consultants will conduct it for the 24

public water supply systems that use surface water sources. The Commission previously approved contracts with the consultants.

Following the initial phase, public water systems will be encouraged to voluntarily refine their assessment and implement source water protection measures for their local communities. The Iowa Wellhead Protection Plan (previously approved by the Commission as a separate document) is included as an appendix to the Strategy because EPA has made a distinction between source water protection and wellhead protection. Since more than 95% of the public water supplies in Iowa utilize groundwater, the Wellhead Protection Plan has been included as a tool for the source water protection planning of groundwater systems.

Mr. Valde explained the program and strategy.

Rita Venner asked if there is anything new to be concerned about in this program.

Dennis Alt, Water Supply Section, stated that if the Department does not approve the plan they can lose up to 20% of the drinking water SRF funds, which would be approximately two-and-one-half million dollars per year.

*Motion was made by Rita Venner to approve the Source Water Assessment Protection Program and Implementation Strategy as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REPORT OF FINDINGS ON IMPROVING THE TECHNICAL, FINANCIAL AND MANAGERIAL CAPACITY OF IOWA'S PUBLIC WATER SYSTEMS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The "Report of Findings on Improving the Technical, Financial and Managerial Capacity of Iowa's Public Water Systems" will be provided to the Commission for informational purposes. The Report of Findings was written to partially fulfill the requirements of Section 1420 (c) of the Amended Safe Drinking Water Act of 1996. Section 1420 (c) requires all States to develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial and financial capacity to provide safe drinking water at a reasonable cost for the foreseeable future (known as the capacity development strategy). The strategy must be submitted to the EPA by August 6, 2000 to avoid an incremental withholding of up to 20% of the State's federal Drinking Water State Revolving Fund grant.

Section 1420 (c) requires States, in preparing their capacity development strategies, to consider, solicit public comment on, and include as appropriate:

- methods or criteria the State will use to identify and prioritize the public water systems most in need of improving technical, managerial, and financial capacity;
- the institutional, regulatory, financial, tax, or legal factors at the federal, state or local level that encourage or impair capacity development;
- State authorities and resources of the Safe Drinking Water Act or other means to assist public water systems in complying with national primary drinking water regulations, to encourage the development of partnerships between public water supplies, and to assist in the training and certification of operators;
- the establishment of a baseline and measurement of improvements in capacity with respect to national primary drinking water regulations and State drinking water law; and
- identification of persons that have an interest in and are involved in the development and implementation of the capacity development strategy.

The Department, with the assistance of the Environmental Finance Center located at Boise State University in Boise, ID, conducted seven stakeholder meetings to discuss the elements listed above. The results of these meetings are contained in the referenced Report of Findings which is being used to prepare the Department's capacity development strategy. During October and November 1999, three public hearings were held in Denison, Iowa City and Des Moines to solicit public comments on the Report of Findings. The responsiveness summary discussing the comments received is contained in Section E of the report.

Mr. Valde reviewed details of the report and noted there were seven public meetings held around the state on this report.

Mr. Alt explained that this is another program where the Department could lose SRF funds if the strategy is not developed and implemented.

Director Johnson stated that this is one of many reports EPA requires the Department to do. He related that staff is scrambling to keep up and the Department is hurting from the fact that there are not sufficient employees to do all of the required reports. He related that the Water Supply team is doing a lot of really good work to keep up.

<b>INFORMATIONAL ONLY</b>
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## **NOTICE OF INTENDED ACTION—CHAPTER 61, WATER QUALITY STANDARDS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will asked to approve a Notice of Intended Action proposing changes to Iowa's Water Quality Standards (WQS). The Department is currently conducting a comprehensive review of Iowa's WQS (known as a triennial review) and the proposed changes are the first of several anticipated changes to address comments from the EPA, municipalities, and the general public. The issues included in the initial set of proposed changes include:

- a) changes to ammonia criteria for aquatic life, including establishing seasonal limits;
- b) changes to Class C (drinking water) criteria and implementation procedures ;
- c) chlorine demand considerations for wasteload allocations;
- d) changes to the stream flows used for establishing wasteloads;
- e) changes to stream use designations for selected stream segments; and
- f) changes to the aquatic life criteria for aluminum, mercury, dieldrin, lindane, pentachlorophenol, toxaphene, and silver.

A Technical Advisory Committee has reviewed the proposed revisions and has generally concurred with the changes as being proposed.

(A copy of the complete rule is on file in the Department's Records Center)

Mr. Valde explained the rules in detail and noted that if the Department does not adopt standards, EPA will do it for the State.

Jack Riessen reviewed the history of adopting water quality standards for the State.

Gary Priebe asked how long it takes to put together the needed information for a creek, adding that it looks like a lot of work.

Mr. Riessen noted that EPA Guidance Criteria could be used for some of the numeric standards as far as toxicity levels. He related that for stream use classifications staff have visited almost all of the streams in the State.

*Motion was made by James Braun to approve the Notice of Intended Action—Chapter 61, Water Quality Standards. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE—CHAPTER 40, 41, 42, 43, 81 AND 83, WATER SUPPLY, OPERATOR CERTIFICATION, AND ENVIRONMENTAL LABORATORY CERTIFICATION**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided with proposed changes to the public drinking water supply rules (Chapters 40, 41, 42, and 43), the operator certification rules (Chapter 81), and the laboratory certification rules (Chapter 83).

The public drinking water supply and laboratory certification rules are being updated to incorporate two new Environmental Protection Agency (EPA) regulations as well as to make changes required by the EPA as a result of their review of the rule changes adopted by the

Commission in 1999. The operator certification rules are being rewritten to incorporate new EPA requirements for certified operators to be in charge of both the treatment and distribution systems for all community and nontransient noncommunity public water supplies, as well as to increase the program fees, add disciplinary actions, and to reorganize the rule for clarity. The fees have not been updated since 1983.

Proposed changes include:

- updates to incorporate provisions from the 1996 reauthorization of the federal Safe Drinking Water Act;
- new and amended definitions;
- correction of grammatical errors;
- analytical methodology updates;
- incorporation of the EPA disinfectants/disinfection byproducts rule;
- incorporation of the EPA interim enhanced surface water treatment rule;
- restructuring the operation permit fee rule to:
  - adopt a late fee of \$100.00 for systems which fail to renew their operation permits;
  - allow the director to decrease the operation permit per capita fee by \$0.02 per capita to meet the \$350,000 per year target, without requiring EPC approval; and
  - streamline the rule;
- restructuring and updating operator certification rules which includes:
  - \*adoption of a new public water supply operator certification classification for very small systems (Class A);
  - expanding and restructuring the water distribution classification grades to match the water treatment grades;
  - adopting water distribution classification grades for rural water systems;
  - fee restructuring for the operator certification program;
  - amending the education and experience requirements for operator certification;
  - defining the director and EPC roles in fee increases and reductions;
  - amending the operator-by-affidavit rules to allow their practice at non-municipal systems, and to rescind the allowance of their practice at Grade III surface water plants (currently none are operating such in Iowa);
  - restructuring of and additions to the disciplinary actions for operator certification to be consistent with other EPD requirements;
  - adoption of the "deadbeat dad/mom" clause to allow for certification revocation when support orders are violated; and
- allowing the use of Department-approved third parties to provide performance evaluation samples for the drinking water laboratory certification program.

Mr. Valde reviewed details of the rules.

Mr. Alt noted that the Commission might want to pay close attention to the operators certification as there is a significant increase in fees proposed under Chapter 81.

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## LEGISLATION UPDATE



Larry Wilson, Deputy Director, presented the following item.

## IOWA DEPARTMENT OF NATURAL RESOURCES – LEGISLATIVE SUMMARY

<b>SF2326 – HOUSEHOLD HAZARDOUS MATERIAL SUPPORT – Signed by Governor 4/13/00</b>
The bill expands language in household hazardous materials fund to allow for support of regional collection centers. Also places repayments from the Iowa Business Loan Program into the HHM account. Bill originally included \$1 million for tire stockpile clean up in the state, and additional \$175K for associated administrative costs of tire clean ups. This amended out and included in the infrastructure bill, but only at \$500,000.
<b>SF2036 - REPEAL OF MISSISSIPPI COMPACT- Signed by Governor 3/31/00</b>
Repeals sections of code that set up the Upper Mississippi Compact. The Compact, in order to be enacted, needed to be adopted by adjoining states, and never was.
<b>HF2438 - SUSPENSION OF PERMITTING HAZARDOUS WASTE FACILITIES –Signed by Governor 4/7/00</b>
Extends DNR suspension for permitting of hazardous waste facilities, until such time as DNR requests approval to take program back from Federal Govt.
<b>SF2430 – AG &amp; NATURAL RESOURCES APPROPRIATIONS BILL – Passed out of Senate, Amended by House, back at Senate</b>
Base budget from FY2000, minus FY2000 deappropriation of \$193K, with additional reduction of \$1,240,000. Reductions include \$50K for USDA animal control, \$100K from Admin. Division and \$1,090K from Environ. Protection Division. Bill directs DNR to backfill \$940K of \$1,090K using funds from Water Quality Protection Fund, Groundwater Fund and \$100K from IDALS. As amended by House, all budget cuts are restored, and an additional \$1.3 million to Fish & Wildlife.
<b>HSB784 - TRANSPERTATION/INFRASTRUCTURE APPROPRIATIONS BILL – Passed out of House Full Appropriations Committee</b>
Bill appropriates \$35 million Environment First fund to DNR, DALs & DED. Included in this is \$11,190K for the State Water Quality Initiative, which provides \$3,790K to DNR and \$7,400K to DALs. Also included in the \$35 million is funding for recreational grants, lake dredging, marine fuel tax capitals, REAP, trees program, Lewis & Clark, and waste tires. Included outside of the \$35 million is funding for Loess Hills Cons. Authority, Lake Belva Deer Dam, Restore the Outdoors and DOT recreational trails.
<b>SF2416 – PETROLEUM OVERCHARGE FUNDS – Passed both House &amp; Senate</b>
A bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.
<b>HF2393 - CERTIFICATION FEES FOR MMP OPERATORS – Passed both House &amp; Senate</b>
Requires that only one confinement site manure applicator fee is required for a family, including business partners.
<b>HF2423 - BROWNFIELDS REDEVELOPMENT FUND – Passed both House &amp; Senate</b>
A bill creating a brownfield redevelopment program and fund and a brownfield redevelopment advisory council. Sets up a program fund in Dept. of Econ. Development to provide assistance to governmental agencies to clean up contaminated sites. Funded out of Infrastructure Fund.
<b>HF2530, SF2361 - ELECTRIC RESTRUCTURING – House File ready for floor debate, Senate File still in committee</b>
Deregulation/restructuring of electric utility industry in state. Establishment of over \$50 million dollar fund for renewable portfolio standard and efficiency programs. Passage of bill unknown.
<b>SF466 - AGRICHEMICAL REMEDIATION ACT- Passed Senate in 1999, Amended by House, back at Senate</b>
The bill provides for the establishment of a fund to assist with the clean up of sites where there has been contamination due to a release of pesticides or fertilizers. The bill establishes a board within IDALS to oversee the development of the program,

consult with IDALS to establish clean up standards, and prioritization of sites.
<b>SF2371 - IonIOWA CLEAN WATER POLICY BILL – Signed by Governor 4/7/00</b>
A policy bill for the establishment of a water quality initiative program by IDALS and IDNR, defining and providing for the use of credible data for quality control and assurance procedures, and providing for other properly related matters, and providing an applicability date.
<b>SF400 – ETHANOL BILL – Deferred by Senate</b>
A bill for an act providing for a value-added energy initiative, providing for tax revenues, the allocation of moneys, and making penalties applicable. Would require ethanol blended fuel be offered at all fuel stations.
<b>HF 2331 – INTOXICATED BOATER BILL– Passed both House and Senate</b>
Establishes similar regulations for intoxicated motorboat and sailboat operators that are in affect for motor vehicles by setting a blood alcohol concentration limit and invoking implied consent procedures for boaters on public waters.
<b>HF 2090 – FORESTRY DIVISION NAME CHANGE – Passed both Senate and House</b>
Changes the name of DNR’s Forests and Forestry Division to Forests and Prairies to better reflect the services provided by the Division. In addition to forestry assistance, Division staff are providing prairie management assistance to private and public landowners.
<b>SF 2061 – REGISTRATION AND LICENSING DUTIES OF COUNTY RECORDERS – Signed by Governor 3/30/00</b>
Deletes language that would allow a person that purchases a snowmobile or all-terrain vehicle that is in storage to get the machine registered if that person has a copy of the storage affidavit. By deleting the language, the owner of the machine is required to officially remove the machine from storage and obtain a current registration before transferring the machine to the purchaser. This procedure makes it more difficult to get a stolen machine registered. This bill also gives county recorders the option of selling hunting and fishing licenses by changing the enabling language from “shall” to “may”.
<b>SF 2300 – INTERFERENCE WITH LAWFUL HUNTING, FISHING, AND FUR HAVESTING – Signed by Governor 4/12/00</b>
Strengthens existing Code language by defining in more detail intentional interference with lawful hunting, fishing, and fur harvesting, and by providing for increased penalties for multiple offenses.
<b>HF 2486 – FISH SNAGGING, RESIDENCY REQUIREMENTS FOR HUNTING AND FISHING LICENSES, AND TAKING OF DEER IN CITY LIMITS – Passed by both House and Senate</b>
This is a combination bill that pertains to three separate issues. One, it prohibits taking fish by means of hand fishing, snagging, spearing, bow and arrow, and artificial lights unless otherwise designated by the Natural Resource Commission through administrative rules. Two, it decreases the shooting distance from a building from 200 yards to 50 yards within city limits during the taking of deer in accordance with an approved special deer population control plan. The legislation also allows the use of firearm silencers during the implementation of special deer population control plans within city limits. Three, prohibits a person that claims residency in another state to purchase or apply for a resident license in Iowa. This prohibition has two exceptions; (1) full-time students at an educational institution located in Iowa and the students reside in Iowa while attending the school, and (2) nonresidents under eighteen years of age whose parent is a resident of Iowa.

Mr. Wilson reviewed the summary of bills listed above and noted the up to date status on each bill.

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## GENERAL DISCUSSION

**Iowa Select Farms**

Gary Priebe stated that if the time line given by Iowa Select Farms is true he is alarmed. He read from the Litigation Report saying that due to the time of day and need to quickly determine whether a fish kill had occurred so a Fisheries Biologist could be notified, a Field Office staff immediately investigated downstream conditions. Commissioner Priebe noted that they did not notify Iowa Select that there was a spill. He related that this is an agency that is supposed to prevent spills, and it upsets him that the staff have a "got-ya" attitude.

Director Johnson stated that he does not think that is the attitude of the Department staff. He noted that this is one occurrence and the Department does want to stop spills. He stressed that there is no "got-ya" attitude in the Department. He related that the Department is pursuing the possibility of listing telephone numbers at sites so that people can call when there is a problem.

Gary Priebe stated that he is really upset at the neighbor as he should have contacted DNR first, rather than run home and get his camera and take pictures before calling anyone.

Rita Venner commented that there can be a lot of finger pointing but the neighbor may have thought Iowa Select might have already been notified.

Darrell Hanson talked about a case in 1986 when there was a particular issue and DNR was criticized for getting right on the ball and neighbors accused the Department of covering up evidence by notifying the company.

Peggy Murdock, speaking from the audience, commented that she could not get the location of Iowa Select's operations, and when she called them to ask about a site she was told that their locations were confidential. She noted that their facilities are not marked so it might be difficult for someone to figure out who to call.

Rita Venner commented that she regrets that people have the perception that we blame all the livestock units for the nitrates and the hypoxia in the Gulf. She added that we all know that there are many causes to that, and we do not look at the livestock industry as the entire cause of those nitrates.

**Waste Management Assistance Division Marketing Kit**

Leigh McGivern, WMA Division, reviewed that in 1999 the Commission approved a contract with Patti Allen of Marketing Works and she distributed a packet of information which was a result of that contract. She related that it would help to make WMA Division customer friendly, adding that it tells who they are, why they are important, and what they can do for their customers. She expanded on the contents of the kit noting that it was produced using soy-based inks, 100% post consumer waste paper and there is very little waste paper using this process. She noted that the photographs were from the I & E Bureau photographer's library.

**NEXT MEETING DATES**

April 2000

Environmental Protection Commission Minutes

May 15, 2000

June 19, 2000

July 17, 2000

### **ADJOURNMENT**

<i>Motion was made by Darrell Hanson to adjourn the meeting. Seconded by Gary Priebe. Motion carried unanimously.</i>
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With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 3:00 p.m., Monday, April 17, 2000.

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Paul W. Johnson, Director

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Terrance Townsend, Chair

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Rozanne King, Secretary

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